

Message Text

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ACTION IO-11

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SCCT-01 SP-02 SY-05 USSS-00 SS-15 PA-01 PRS-01 USIE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 586

INFO AMCONSUL LENINGRAD

DEPT OF JUSTICE WASHDC

USUN NEW YORK 4934

LIMITED OFFICIAL USE MOSCOW 3082

DEPT OF JUSTICE FOR ROBINSON AND NILAND

E.O. 11652: N/A

TAGS: PFOR, ASEC, UR

SUBJECT: SOVIET PROTEST OVER SHOOTING INCIDENT

REF: USUN 751, 742, 741 AND 735

1. DEPUTY FOREIGN MINISTER KORNIYENKO CALLED ME IN AT
6:00 P.M. TODAY TO DELIVER PORTEST NOTE
REGARDING RIVERDALE SHOOTING INCIDENT.
INFORMAL TRANSLATION FOLLOWS:

BEGIN TEXT

THE GOVERNMENT OF THE UNION OF SOVIET
SOCIALIST REPUBLICS CONSIDERS IT NECESSARY TO INFORM
THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE
FOLLOWING.

ON THE NIGHT OF FEBRUARY 27, 1976, AT 2:45 A.M.
SEVERAL SHOTS FROM A FIREARM WERE FIRED INTO AN APARTMENT
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BUILDING OCCUPIED BY EMPLOYEES OF THE USSR REPRESENTATION

AT THE UNITED NATION, AT RIVERDALE IN NEW YORK CITY.
THIS IS NOW THE THIRD OCCASION UPON WHICH BUILDINGS
IN WHICH SOVIET CITIZENS LIVE AND WORK IN NEW YORK HAVE
BEEN FIRED UPON.

ATTENTION IS CALLED TO THE FACT THAT THE AMERICAN
AUTHORITIES, DESPITE NUMEROUS APPEALS FROM THE SOVIET
SIDE, HAVE TO DATE NOT TAKEN NECESSARY MEASURES TO PREVENT
TERRORIST ACTS--ATTEMPTS ON THE LIVES AND SECURITY OF
SOVIET CITIZENS WHO ARE EMPLOYEES OF THE OFFICIAL
SOVIET REPRESENTATION AND MEMBERS OF THEIR FAMILIES.

THE DE FACTO CONNIVANCE (FAKTICHESKOY POPUSTITEL'STVO)
ON THE PART OF THE AMERICAN AUTHORITIES WITH SUCH CRIMINAL
ACTS IS IN FLAGRANT CONTRADICTION TO THE OBLIGATIONS
WHICH THE UNITED STATES ASSUMED IN ACCORDANCE WITH THE
CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE UNITED
NATIONS ORGANIZATION AND THE HEADQUARTERS AGREEMENT
BETWEEN THE UN AND THE USA. THE USA IS OBLIGATED BY THESE
AGREEMENTS TO GUARANTEE TO FOREIGN MISSIONS
AND THEIR PERSONNEL NECESSARY CONDITIONS OF WORK AND
SECURITY.

THE SOVIET GOVERNMENT DECLARES A STRONG PROTEST
(RESHITEL'NYY PROTEST) TO THE US GOVERNMENT OVER THE
TERRORIST ACT IN RIVERDALE ON FEBRUARY 27, WHICH IS A
GROSS VIOLATION OF THE ELEMENTARY NORMS OF INTERNATIONAL
LAW. THE GOVERNMENT OF THE USSR EXPECTS THOSE GUILTY
TO BE PUNISHED AND THE UNITED STATES TO TAKE EFFECTIVE
MEASURES TO PRECLUDE SUCH INCIDENTS. THE US GOVERNMENT
WILL BEAR THE ENTIRE RESPONSIBILITY FOR THE CONSEQUENCES
OF NOT TAKING SUCH MEASURES. END TEXT

2. I TOLD KORNIYENKO THAT I WOULD REPORT PROTEST TO
MY GOVERNMENT IMMEDIATELY. AS AMBASSADOR BENNETT STATED
IN NEW YORK, AND THE DEPARTMENT'S PRESS SPOKESMAN IN
WASHINGTON, WE DEEPLY REGRET THE INCIDENT WHICH INDEED
IS IMPERMISSIBLE AND SENSELESS. WE ARE DOING AND
WILL DO EVERYTHING POSSIBLE TO LOCATE AND PROSECUTE
THOSE GUILTY AND TO PREVENT SUCH INCIDENTS IN THE FUTURE.
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NEVERTHELESS, I POINTED OUT THAT I COULD NOT ACCEPT THE
REFERENCE IN THE NOTE TO THE "CONNIVANCE" OF U.S.
AUTHORITIES, SINCE WE HAVE TAKEN ALL
STEPS CONSISTENT WITH OUR LAWS TO PROTECT SOVIET
ESTABLISHMENTS. I ADDED THAT THERE HAD BEEN
A POLICEMAN ON DUTY AT THE TIME, THAT HE HAD RECOVERED
THE SUSPECT WEAPON, THAT POLICE PROTECTION HAS BEEN
DOUBLED, AND THAT THE FBI IS WORKING ACTIVELY WITH THE

LOCAL POLICE. WE APPRECIATE THE COOPERATION OF THE SOVIET MISSION IN ALLOWING THE FBI TO ENTER THE BUILDING TO OBTAIN EVIDENCE, AND HOPE THAT THE MISSION WILL CONTINUE TO COOPERATE IN THE INVESTIGATION OF THE INCIDENT. I THEN REITERATED THAT MY GOVERNMENT DEEPLY REGRETS THE INCIDENT AS I DO PERSONALLY, AND THAT WE TAKE A MOST SERIOUS VIEW OF THE MATTER.

3. KORNIYENKO OBSERVED THAT, IN USING THE WORD "POPUSTITEL'STVO" (USUALLY TRANSLATED "CONNIVANCE"), THE SOVIETS DID NOT MEAN TO IMPLY THAT THE PERPETRATORS ACTED WITH ANY ENCOURAGEMENT FROM U.S. AUTHORITIES, BUT THAT THE FAILURE OVER A LONG PERIOD OF TIME TO TAKE EFFECTIVE PROTECTIVE MEASURES AND CONVICT THOSE GUILTY OF CRIMES HAD CREATED CONDITIONS WHICH MADE SUCH ACTS POSSIBLE. HE STRESSED THAT REGRET IS NOT SUFFICIENT, AND THAT THE SOVIET GOVERNMENT EXPECTS SWIFT APPREHENSION AND PUNISHMENT OF THOSE GUILTY.

4. I CONCLUDED THE CONVERSATION BY ASSURING HIM THAT WE WOULD DO EVERYTHING POSSIBLE TO FIND THE GUILTY PERSON OR PERSONS AND TO PREVENT SUCH INCIDENTS IN THE FUTURE.

5. COMMENT: SUMMONING ME TO RECEIVE PROTEST LATE ON A SATURDAY (WHEN THE FOREIGN MINISTRY IS CLOSED) WAS DOUBTLESS INTENDED TO UNDERSCORE THE SERIOUSNESS WITH WHICH THE SOVIETS VIEW THIS INCIDENT.

STOESSEL

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